



January 28, 2005

SENATE BILL No. 114

DIGEST OF SB 114 (Updated January 26, 2005 12:48 pm - DI 104)

Citations Affected: IC 25-20.5; noncode.

Synopsis: Hypnotists. Requires that a hypnotist appointed to the hypnotist committee have a master's or doctorate degree. Allows current members who do not have a master's or doctorate degree to complete their terms on the committee. Provides that a member on the committee serves at the pleasure of the governor. Removes the classroom hours requirement from obtaining a hypnotist certificate and from serving on the hypnotist committee. Requires an applicant for a hypnotist certificate to pass a test.

Effective: July 1, 2005.

Meeks

January 4, 2005, read first time and referred to Committee on Health and Provider Services.
January 27, 2005, amended, reported favorably — Do Pass.

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SB 114—LS 6459/DI 77+



January 28, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 114

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-20.5-1-7 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) There is created
3 a six (6) member Indiana hypnotist committee to assist the board in
4 carrying out this chapter regarding the qualifications and examinations
5 of hypnotists. The committee is comprised of:

6 (1) three (3) hypnotists;

7 (2) one (1) physician licensed under IC 25-22.5;

8 (3) one (1) licensed psychologist who has received a health
9 service provider endorsement under IC 25-33-1-5.1; and

10 (4) one (1) individual who is a resident of Indiana and who is not
11 associated with hypnotism in any way, other than as a consumer.

12 (b) The governor shall make each appointment for a term of three
13 (3) years. Each hypnotist appointed must:

14 (1) be a certified hypnotist for at least one (1) year under this
15 chapter;

16 (2) ~~have at least five hundred (500) supervised classroom hours~~
17 ~~of hypnotism education from a school that is approved by the~~

SB 114—LS 6459/DI 77+



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Indiana commission on proprietary education under IC 20-1-19 or by any other state that has requirements as stringent as required in Indiana;

~~(3)~~ **(2)** have at least one (1) year of experience in the actual practice of hypnotism immediately preceding appointment; ~~and~~
~~(4)~~ **(3)** be a resident of Indiana and actively engaged in the practice of hypnotism while a member of the committee; **and**
(4) have a master's or doctorate degree from an institution that is accredited by a regional or professional accrediting agency recognized by the United States Department of Education or the Council on Postsecondary Accreditation.

(c) Not more than three (3) members of the committee may be from the same political party. A member of the committee is not required to be a member of a professional hypnosis association. However, no two (2) hypnotist members appointed to the committee may belong to the same professional hypnosis association.

(d) A member of the committee ~~may be removed for cause by~~ **serves at the pleasure of** the governor.

(e) The board shall appoint a ~~chairman~~ **chairperson** from among the members of the committee.

SECTION 2. IC 25-20.5-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. ~~(a)~~ An individual who applies for a certificate as a hypnotist must do the following:

(1) Present satisfactory evidence to the committee that the individual:

(A) does not have a conviction for a crime that has a direct bearing on the individual's ability to practice competently; **and**

(B) has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a hypnotist without endangering the public. ~~and~~

~~(C)~~ **(C)** has at least five hundred (500) classroom hours of hypnotism education from an Indiana school or program of hypnotism that is approved by the Indiana commission on proprietary education (referred to as "the commission" in this clause) under IC 20-1-19 or from any other state approved school or program that is found by the commission to have requirements as stringent as necessary for the commission's approval of an Indiana school or program of hypnotism. A classroom hour may not be less than a fifty (50) minute period of instruction with both the instructor and student in attendance. Classroom instruction does not include video tape

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1 correspondence courses or other forms of electronic
2 presentation.

3 (2) Pay the fee established by the board.

4 (b) An individual may not enroll in a school or program of
5 hypnotism to satisfy the requirement under subsection (a)(1)(C) unless
6 the individual:

7 (1) is at least eighteen (18) years of age; and

8 (2) has graduated from high school or received a:

9 (A) high school equivalency certificate; or

10 (B) state of Indiana general education development (GED)
11 diploma under IC 20-10.1-12.1.

12 SECTION 3. IC 25-20.5-1-14 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. **To obtain a**
14 **certificate under this chapter**, an individual who satisfies the
15 requirements of section 11 of this chapter **may must** take the
16 examination provided by the committee **and obtain a passing score on**
17 **the examination as determined by the committee.**

18 SECTION 4. [EFFECTIVE JULY 1, 2005] (a) **A hypnotist who is**
19 **appointed to the Indiana hypnotist committee before July 1, 2005:**

20 (1) **may complete the remainder of the member's unexpired**
21 **term without satisfying; and**

22 (2) **may not be removed as a member of the committee for not**
23 **satisfying;**

24 **the requirements of IC 25-20.5-1-7(b)(4), as added by this act.**

25 (b) **This SECTION expires July 1, 2008.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 114, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, strike lines 16 through 17.

Page 2, strike lines 1 through 3.

Page 2, line 4, strike "(3)" and insert "(2)".

Page 2, line 6, strike "(4)" and insert "(3)".

Page 2, line 8, delete "(5)" and insert "(4)".

Page 2, line 17, strike "may be removed for cause by" and insert **"serves at the pleasure of"**.

Page 2, between lines 20 and 21, begin a new paragraph and insert:
"SECTION 2. IC 25-20.5-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) An individual who applies for a certificate as a hypnotist must do the following:

(1) Present satisfactory evidence to the committee that the individual:

(A) does not have a conviction for a crime that has a direct bearing on the individual's ability to practice competently; **and**
 (B) has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a hypnotist without endangering the public. **and**

~~(C) has at least five hundred (500) classroom hours of hypnotism education from an Indiana school or program of hypnotism that is approved by the Indiana commission on proprietary education (referred to as "the commission" in this clause) under IC 20-1-19 or from any other state approved school or program that is found by the commission to have requirements as stringent as necessary for the commission's approval of an Indiana school or program of hypnotism. A classroom hour may not be less than a fifty (50) minute period of instruction with both the instructor and student in attendance. Classroom instruction does not include video tape correspondence courses or other forms of electronic presentation.~~

(2) Pay the fee established by the board.

~~(b) An individual may not enroll in a school or program of hypnotism to satisfy the requirement under subsection (a)(1)(C) unless the individual:~~

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- (1) is at least eighteen (18) years of age; and
- (2) has graduated from high school or received a:
 - (A) high school equivalency certificate; or
 - (B) state of Indiana general education development (GED) diploma under IC 20-10.1-12.1.

SECTION 3. IC 25-20.5-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. **To obtain a certificate under this chapter**, an individual who satisfies the requirements of section 11 of this chapter ~~may~~ **must** take the examination provided by the committee **and obtain a passing score on the examination as determined by the committee."**

Page 2, line 27, delete "IC 25-20.5-1-7(b)(5)" and insert "**IC 25-20.5-1-7(b)(4)**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 114 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 10, Nays 0.

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